

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 9, 1999

LB 608

entitled does not equal the base weekly wage, that person is not deemed to be on paid vacation leave. Is that true?

SENATOR MATZKE: That's correct, according to my understanding.

SENATOR CHAMBERS: Okay. Now, if we go to page 10 of the bill, to get additional new language. Starting in line 8, "vacation leave pay, including that received in a lump sum or upon separation from employment, shall be prorated in an amount reasonably attributable to each week claimed and considered payable with respect to such week". This is saying that when you take the period of time that a person wants to claim unemployment compensation for, you would look at this amount of money to which a person is entitled and prorate that over these...this number of weeks. Is that true? So that for each week that the person is making a claim, there will be an amount credited to that week, or attributed to that week, based on the proration of this total amount being received. Let me do it like this, let's say that the amount in question is \$100. The person is going to claim unemployment comp for four weeks. You would prorate that \$100, over those four weeks, so that each week is credited with \$25. Is that what this language is saying?

SENATOR MATZKE: No, I don't believe it is.

SENATOR CHAMBERS: Well, tell me what it is saying.

SENATOR MATZKE: Let's assume that an employee has accrued two weeks of vacation, at \$500 a week, and he is separated from his employment. And he gets, as it says there, a lump sum upon separation of \$1,000. Then...and that would be his base pay. Then that \$1,000 would be prorated over two weeks, and he would be credited with \$500 per week. Now, I think the answer to your question is that both of the sections that you have referred to have to be complied with. In other words, if there is a proration, that also has to comply with the first section that you referred to on paragraph...or on page 4, it has to be equal to or exceeding his base weekly wage in order for it to be a paid vacation.

SENATOR CHAMBERS: And, if it does not, then we have triggered